

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ARMILLE PYE,

Plaintiff,

v.

NATIONAL RECOVERY SOLUTIONS, L.L.C.,

Defendant.

---

Case No. 12-13251

Honorable John Corbett O'Meara

**ORDER OF PARTIAL DISMISSAL**

Plaintiff Armille Pye filed a five-count complaint in this court July 24, 2012, alleging the following causes: Count I, violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692 *et. seq.*; Count II, violations the Michigan Collection Practices Act ("MCPA"), Mich. Comp. Laws Ann. §§ 445.251 *et. seq.*; Count III, violations of the Michigan Occupational Code ("MOC"), Mich. Comp. Laws Ann. §§ 339.901 *et seq.*; Count IV, invasion of privacy; Count V, intentional infliction of emotional distress.

Plaintiff has not established that the court has federal subject matter jurisdiction through diversity of citizenship. Although defendant National Recovery Solutions ("NRS") may be a New York company, Plaintiff has failed to allege NRS's state of incorporation and principal place of business. See, 28 U.S.C. § 1332(c)(1). In addition, the civil cover sheet indicates that Plaintiff seeks \$25,000.00 in damages, far less than an amount in excess of \$75,000.00 as required by 28 U.S.C. § 1332(a).

The court does have subject matter jurisdiction over Count I, as it presents a federal question arising under the FDCPA. This court declines to exercise supplemental jurisdiction over Plaintiff's

state law claims in order to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Counts II, III, IV, and V of the complaint are **DISMISSED**.

s/John Corbett O'Meara  
United States District Judge

Date: September 7, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, September 7, 2012, using the ECF system.

s/William Barkholz  
Case Manager